IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.68 OF 2001

Mr.Gulam G.I.Shaikh. ..Petitioner.

V/s.

Mr.Mansoor Ali D.Shivani & Ors. ..Respondents.

Mr. G.M.Khambete for petitioner.

Mr.P.S.Dani for repsondent Nos.1 and 2.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 31, 2006.

P.C. :

1. Heard counsel for the parties. Perused the pleadings as well as the undertaking given by the respondents before this court on 18th October, 2000 and the order passed on 19th October, 2000.

2. There is no dispute that possession in respect of the premises mentioned in plaint in paragraph-1(d) i.e. to say Cupboard/showcase facing and coming out on M.G.Road, situated outside the entrance to the building bearing House No.28, M.G.Road, Pune-1, is still enjoyed by the petitioner. This was the limited assurance given by the respondents. If the petitioner has been dispossessed from the said premises more particularly relates to

in paragraph 1(a) to 1(c), that cannot be the cause for initiating contempt action as no such assurance was given before this court.

2. It will be open to the petitioner to seek appropriate remedy against respondents for having dispossessed from premises as described in para-1(a) to 1(c). That question will be considered on its own merits in accordance with the law. Petition disposed of accordingly. Notices issued to the respondents are discharged.